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Fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to resolution 1794 (2007), by which the Security Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 December 2008 and requested me to report regularly on major developments in that country. In its presidential statement of 21 October 2008 (S/PRST/2008/38), the Council took note of the request of my Special Representative for additional resources for MONUC and requested me to present a full analysis of the situation and recommendations. The report covers major developments in the Democratic Republic of the Congo since my report of 3 July 2008 (S/2008/433), to 18 November 2008. It also reviews the implementation of the Mission's mandate pursuant to resolution 1794 (2007) and contains recommendations on the configuration of the Mission and the additional resources it requires in order to effectively carry out its mandate.

II. Major developments

2. Efforts to stabilize the eastern region of the Democratic Republic of the Congo witnessed significant setbacks during the reporting period. The processes relating to the Goma statements of commitment (actes d'engagement) and the Nairobi communiqué stalled, and large-scale hostilities between the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Congrès national pour la défense du peuple (CNDP), led by Laurent Nkunda, resumed on 28 August. The fighting, which spread throughout North Kivu, has further exacerbated the humanitarian crisis, displacing over 250,000 people and bringing the number of internally displaced persons in the eastern part of the country to more than 1.35 million. Exchanges of fire across the border between Rwanda and the Democratic Republic of the Congo, as well as a resurgence of armed groups in Ituri and a resumption of atrocities committed by the Lord's Resistance Army (LRA), further compounded the crisis in the area. While the security situation remained stable elsewhere in the Democratic Republic of the Congo, little progress was achieved in the key peace consolidation tasks, including the delivery of basic

services and the extension of State authority. Preparations for local elections continued, but key legislation, without which the necessary preparatory work cannot proceed, has yet to be adopted, risking further delays in the conduct of the elections.

North Kivu crisis

3. In June, CNDP, together with the Forces républicaines fédéralistes (FRF), withdrew from the mixed technical commission on peace and security, which had been set up under the Amani programme. CNDP indicated that its demands were not being addressed, including guarantees for the protection of the Tutsi community once the CNDP forces had been dismantled; the security of CNDP soldiers going into *brassage*; and the safe return of refugees from Rwanda, Burundi and the United Republic of Tanzania. CNDP continued to consolidate its hold in areas under its occupation, including by establishing a parallel police force and civil administration, including a de facto customs service at Bunagana, near the border with Uganda. In July, CNDP elements moved closer to FARDC positions, leading to several skirmishes, particularly around Rutshuru and Sake.

4. Following extensive MONUC contacts with CNDP, an agreement was reached on 27 August to resume meetings of the mixed technical commission on 28 August to address CNDP grievances. However, large-scale hostilities erupted unexpectedly on 28 August around Rumangabo and Rugari, some 40 km north of Goma, and further west in Katsiru and Kikuku, in Rutshuru territory. Although it is unclear who initiated the hostilities, MONUC investigations confirmed that CNDP troops subsequently began moving north, from Nyanzale towards Rwindi and Kanyabayonga, and east, from the Katsiru area through Bambo and towards Kirumba, to block the main Kanyabayonga-Rutshuru axis. Fighting also briefly spread to South Kivu, where CNDP forces attacked FARDC positions south-west of Minova, but were repelled by FARDC.

5. On 11 September, the International Facilitation formally requested MONUC to propose a comprehensive disengagement plan to the parties. MONUC presented the disengagement plan to the President of the Democratic Republic of the Congo, Joseph Kabila, and it was endorsed by the Government on 18 September. The plan was subsequently accepted by all armed groups with the exception of CNDP, which demanded direct talks with the Government outside the framework of the Amani programme.

6. The disengagement plan proposed by MONUC comprised three phases: immediate ceasefire and separation of forces, followed by the disarmament and demobilization of combatants and their integration into FARDC or their return to civilian life. The disengagement plan covered all armed groups, including the Forces démocratiques de libération du Rwanda (FDLR), and provided for the garrisoning of FARDC concomitantly with the regrouping of the armed groups and the progressive deployment of the Congolese National Police to maintain law and order in the area.

7. Under the disengagement plan, the separation of forces started near Sake, in the Masisi area, on 19 and 21 September. MONUC held intensive consultations at the command and ground levels to convince each side to withdraw from the positions occupied in the new zones of separation. However, CNDP advances around Sake on 20 and 21 September resulted in renewed clashes. MONUC supported FARDC in pushing CNDP back to its pre-28 August positions. By the middle of October, the armed forces had succeeded in recapturing Ntamugenga and

had captured Tongo, which had been in CNDP-controlled territory. At the same time, CNDP launched attacks on FARDC positions along the Goma-Rutshuru axis and captured the military camp of Rumangabo. MONUC applied immediate pressure on both sides, after which FARDC pulled back from Tongo, and CNDP withdrew, temporarily, from Rumangabo.

8. In a statement issued on 2 October, Laurent Nkunda called for the "liberation" of the Congo, which further heightened anxieties, and was condemned by the international community, national actors and the population. In subsequent statements and letters addressed to my Special Representative and others, CNDP continued to challenge the legitimacy of the elected Congolese institutions, which it accused of mismanagement, collusion with "genocidal foreign forces" and failing to protect Congolese populations. At the same time, CNDP continued to call upon the International Facilitation and MONUC to facilitate direct talks with the Government outside the framework of the Amani programme. CNDP continued to demand that the Government take strong action against foreign armed groups in the Democratic Republic of the Congo, and requested greater federalism, as well as greater transparency, in the awarding of mining contracts.

9. On 4 October, the Minister for Foreign Affairs of the Democratic Republic of the Congo expressed concern to MONUC and diplomatic representatives in Kinshasa about alleged Rwandan support for CNDP and the reinforcement of its military presence along the border with North Kivu. On 9 October, the Permanent Representative of the Democratic Republic of the Congo to the United Nations sent a letter to the Security Council in which he claimed that Rwandan forces had launched an offensive on Rumangabo on 8 October in the territory of the Democratic Republic of the Congo (S/2008/641). The Government of Rwanda denied the accusations, but deployed troops on the Rwandan side of the border, asserting that it was a protective measure. Following a request from the Government of the Democratic Republic of the Congo, MONUC began efforts to revive the joint verification mechanism between the Democratic Republic of the Congo and Rwanda to investigate those allegations.

10. In a major offensive operation that started on 26 October, CNDP recaptured the FARDC camp at Rumangabo and took control of Rugari, Kalengera, Burare, Rutshuru and the main road between Goma and Rutshuru. CNDP advanced to within a few kilometres of Goma before declaring a unilateral ceasefire on 29 October. The ceasefire remained in place until 4 November, when the coalition of Congolese Patriotic Resistance (PARECO) and Mayi-Mayi militia launched an attack against CNDP at Kiwanja, north of Rutshuru. CNDP captured Kiwanja, following intense fighting on 4 and 5 November. In a further escalation, on 6 November CNDP forces attacked FARDC at Nyanzale. Additional clashes were reported on 7 November at the camp for internally displaced persons in Kibati.

11. On 7 November, MONUC dispatched a multidisciplinary assessment mission to Kiwanja to conduct a preliminary investigation of the reported killing of civilians during the fighting. On the basis of its initial assessment, the Mission ascertained that a number of people had been killed during the crossfire between CNDP and PARECO/Mayi-Mayi. Indications also suggest that, following the withdrawal of PARECO/Mayi-Mayi, many more civilians were killed when CNDP took control of Kiwanja. MONUC has launched a more in-depth investigation into the matter, and on 14 November, a small team, including human rights, civil affairs and child

protection officers was dispatched to Kiwanja to support the Mission's efforts to protect civilians there.

12. On 9 and 10 November, fighting between CNDP and mixed PARECO/Mayi-Mayi and, possibly, FDLR elements was reported at Ngungu in Masisi territory. On 11 November, clashes between CNDP and FARDC occurred in and around Kibati, north of Goma. On 11 November, fighting between FARDC and CNDP began further north, in Rutshuru territory, with CNDP seeking to take control of the strategic town of Kanyabayonga and surrounding areas, including Kibirizi, Rwindi, Kabasha and Ndeko. Fighting continued until the time of reporting, with CNDP forces succeeding in gaining control of Ndeko and Rwindi.

13. Throughout the fighting during the period from August to November, MONUC, in accordance with its mandate, supported the efforts of the armed forces to repel CNDP offensives and sought to secure major population centres and axes. However, in the face of the major CNDP offensive, FARDC abandoned positions held jointly with MONUC. In addition, MONUC was directly targeted by retreating FARDC elements in Ntamugenga and Rwindi on 27 and 28 October, and in the Kanyabayonga area on 12 and 13 November. Retreating rogue elements of FARDC were also responsible for causing major insecurity within Goma following the unilateral ceasefire declaration of CNDP. MONUC began to reinforce its military presence in Goma and the surrounding area with additional military capabilities in order to protect civilians.

14. In view of the gravity of the situation, on 28 October, President Kabila appealed to diplomatic representatives based in Kinshasa, requesting that their Governments consider the urgent deployment of a multinational force to North Kivu. On the same day, President Kabila's Special Envoy for the Great Lakes Region and Minister for Foreign Affairs-designate met with the President of Rwanda, Paul Kagame, in Kigali. On 30 October, the Minister for Foreign Affairs of Rwanda met with President Kabila and the Minister for Foreign Affairs of the Democratic Republic of the Congo in Kinshasa. That exchange resulted in the establishment of a bilateral mechanism aimed at normalizing relations between the neighbouring countries. Subsequently, two additional meetings between the Ministers for Foreign Affairs of the Democratic Republic of the Congo and Rwanda were held, on 1 November and on 14 and 15 November, in Kinshasa and Kigali, respectively.

15. In response to the intensification of the crisis, a series of initiatives were undertaken to seek an immediate ceasefire, the disengagement of forces and a resumption of the political process. In Kinshasa on 29 October, the National Assembly adopted a plan for a comprehensive solution to the crisis, which was submitted for President Kabila's consideration. The plan called for dialogue with CNDP, the strengthening of FARDC and increased investment in the Kivus.

16. Together with international partners, the United Nations has undertaken intensive political efforts to arrest the deterioration of the situation in the eastern part of the Democratic Republic of the Congo. I have maintained close contacts with Presidents Kabila and Kagame, as well as with other regional and international leaders, with a view to discussing ways of facilitating an immediate end to the hostilities and arriving at lasting solutions to the threat posed by illegal armed groups in the eastern part of the country. On 31 October, the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, and my Special

Representative for the Democratic Republic of the Congo, Alan Doss, together with the Assistant Secretary of State for African Affairs of the United States of America, Jendayi Frazer, and diplomatic representatives based in Kinshasa, visited Goma to assess the situation on the ground and look into ways of resolving the humanitarian and security crisis. On 1 November, the Ministers for Foreign Affairs of France and the United Kingdom of Great Britain and Northern Ireland travelled to the Democratic Republic of the Congo and the region to pursue the same goal. At my request, the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, travelled to the Democratic Republic of the Congo and Rwanda early in November, where he met with Presidents Kabila and Kagame and reviewed the capacity of MONUC to carry out its mandate. The Assistant Secretary-General for Political Affairs, Haile Menkerios, also visited the region during that period and met with Presidents Kabila and Kagame. On 3 November, I appointed the former President of Nigeria, Olusegun Obasanjo, as my Special Envoy for the Great Lakes Region. I had initially designated him as my Special Envoy for eastern Democratic Republic of the Congo, but changed his title after my consultations with the parties and regional leaders in Nairobi. As originally requested, he will focus on addressing the challenges to peace and security posed by the continued presence and activities of illegal armed groups in the eastern part of the country and on building confidence between the Democratic Republic of the Congo and its neighbours.

17. On 7 November, I travelled to Nairobi to participate in a regional summit on the situation in the eastern part of the Democratic Republic of the Congo, convened under the auspices of the African Union and the International Conference on the Great Lakes Region. In the course of the summit, I met separately with the Presidents of the Democratic Republic of the Congo, Rwanda and the United Republic of Tanzania, as well as with the Chairperson of the African Union Commission and the Minister for Foreign Affairs of Angola. The summit started with closed consultations between the heads of State of Kenya, the Democratic Republic of the Congo, Rwanda and other neighbouring countries, as well as high-level representatives and envoys from the African Union, the European Union and Member States. I had the opportunity to introduce my newly appointed Special Envoy to the regional leaders.

18. In a joint statement, adopted on 7 November, participants in the summit called on all armed groups in North Kivu to observe an immediate ceasefire. They also decided to establish a mechanism to facilitate a comprehensive solution and help address the root causes of the crisis in the eastern part of the Democratic Republic of the Congo. The mechanism, chaired by the President of Kenya, Mwai Kibaki, will be composed of a team of facilitators, including my Special Envoy, President Obasanjo, and the former President of the United Republic of Tanzania, Benjamin Mkapa. The team will report to the Chairperson of the International Conference on the Great Lakes Region, the Chairperson of the African Union and the Secretary-General.

19. On 9 November, heads of State or Government of the Southern African Development Community (SADC) met at an Extraordinary Summit held in South Africa. The Summit, which was chaired by the President of South Africa, Kgalema Motlanthe, in his role as Chairperson of SADC, was attended by President Kabila as well as other representatives of members of the Community. The Summit endorsed the joint statement issued at the regional meeting in Nairobi, and resolved

to assist the Democratic Republic of the Congo, including by sending a regional peacekeeping force to North Kivu if necessary.

20. Immediately following the Nairobi regional summit, my Special Envoy began consultations with heads of State in the Great Lakes Region. From 14 to 16 November, he held initial discussions with the President of Angola, José Eduardo dos Santos, President Kabila and President Kagame. He was then joined in Nairobi on 17 November by President Mkapa, who has taken up his duties as co-facilitator, with Special Envoy Obasanjo, on behalf of the International Conference on the Great Lakes Region. Together, they met with the Chairperson of the Conference, President Kibaki. In his consultations with regional leaders, my Special Envoy encountered the same level of renewed regional engagement on the crisis in the eastern part of the Democratic Republic of the Congo that was expressed at the Nairobi regional summit.

21. On 15 November, my Special Envoy travelled to Goma to assess the situation in North Kivu. On 16 November, he met with Laurent Nkunda, and insisted on the importance of an immediate return to a durable ceasefire, backed by an effective monitoring mechanism. He also secured Mr. Nkunda's agreement with respect to the recommendations of the Nairobi joint statement, including regarding his role as my Special Envoy and facilitator for the regional initiative, as well as Mr. Nkunda's recommitment to the principles of the Goma statements of commitment and the Nairobi communiqué. Following discussions with the Special Envoy, CNDP announced on 18 November that it was withdrawing its forces from the Kanyabayonga-Nyanzale and Kabasha-Kiwanja axes, and requested MONUC to deploy in those areas.

FDLR

22. The process of implementation of the 2007 Nairobi communiqué, which set out measures to be taken in order to address the continued presence of FDLR in the eastern part of the Democratic Republic of the Congo, has stalled. With the support of MONUC, the Government continued its sensitization efforts to encourage disarmament and repatriation to Rwanda, or temporary relocation of disarmed Rwandan combatants within the Democratic Republic of the Congo. While more than 1,100 combatants and dependants have been repatriated to Rwanda since the signing of the communiqué, the repatriation of FDLR elements has dropped significantly as a result of the deteriorating situation in the eastern part of the Democratic Republic of the Congo.

23. On 17 September, MONUC and FARDC approved a new plan of military operations against FDLR, targeting its sources of revenue, such as road barriers and mines under its control. FARDC had earmarked 10 of a total of 12 battalions trained by MONUC for that operation. MONUC and Congolese customs authorities have also started conducting random checks at airports and border posts, where it is suspected that minerals are being exported illegally by FDLR. It should be noted, however, that there continue to be allegations of military and economic collusion by FARDC with FDLR. With the resumption of hostilities, the Government of the Democratic Republic of the Congo redeployed the 10 battalions for operations against CNDP. Nevertheless, MONUC continued to conduct joint planning with FARDC for further training and deployment against FDLR.

South Kivu

24. In South Kivu, the signatories of the statements of commitment initially accepted the disengagement plan proposed by MONUC, which was presented at a meeting of the Amani steering committee in September. For South Kivu, the disengagement plan provided for the total demilitarization of the Hauts Plateaux, the main area of military activity in the province, and the deployment of the Congolese National Police in those areas. However, the implementation of the plan has been delayed, as the three main groups involved — FRF, and the Yakutumba and Zabuloni Mayi-Mayi — have since pulled out of the process for various reasons. Securing funding for the disarmament, demobilization and reintegration aspects of the disengagement plan also continued to present a challenge.

Ituri and Haut Uélé

25. In Ituri, MONUC supported FARDC Operation "Iron Stone", carried out in July against the Front de résistance patriotique d'Ituri (FRPI), which had perpetrated acts of violence and looting against the population in the area of Tchey. On 29 September, FRPI renewed its attacks on FARDC positions at Tchey, Quinz, Bulanzabo and Kodheza. MONUC used force in support of FARDC to deter FRPI advances, but in subsequent fighting, FRPI was able to hold its positions at several locations in Irumu territory and succeeded in blocking one of the main roads linking Ituri and North Kivu. However, by the end of October, FARDC, with the support of MONUC, was able to recapture several FRPI positions and had taken steps toward securing the Bunia-Beni and the Bunia-Mahagi/Aru axes. In addition, on 3 November FARDC and MONUC succeeded in recapturing FRPI headquarters at Tchey.

26. In another development, new Ituri militia groups emerged during the reporting period, including the Front pour la justice au Congo (FPJC), which attacked FARDC positions and looted several villages between the end of September and mid-October in Irumu territory. The resumption of fighting in Ituri has created insecurity and further population displacement. FARDC has performed better in Ituri than it has in North Kivu, generally retaking lost ground and gaining new territory.

27. Further north, in Haut Uélé Orientale province, the security situation deteriorated markedly following serious LRA attacks against Congolese civilians. Such attacks have been carried out in at least 10 locations north of Dungu since 17 September. A MONUC investigation conducted from 29 September to 10 October revealed that from 17 September to 4 October, LRA abducted some 177 Congolese children and killed an estimated 76 adults.

28. MONUC-supported FARDC operations against LRA entered their second phase during the reporting period. Although deployment was initially hampered by logistical limitations, FARDC, with MONUC support, rapidly moved three battalions of some 2,250 soldiers to Dungu following the increased LRA activities. In addition, MONUC has deployed 230 military personnel and 5 civilians to the forward operational base at Dungu. MONUC is providing logistical support, training and planning assistance to the FARDC-led operations aimed at containing and isolating the LRA in the Garamba Park area. On 31 October, clashes between LRA and FARDC 35 km north-east of Dungu reportedly left nine LRA members dead, following the killing of six FARDC soldiers by LRA in incidents during the preceding 10 days. Further clashes took place in Dungu on 1 and 2 November,

reportedly killing 21 LRA elements. MONUC continued to receive LRA elements reporting for voluntary disarmament and repatriation.

29. My Special Envoy for the Lord's Resistance Army-affected Areas, President Joaquim Chissano, and the Chief Mediator and Vice-President of the Government of Southern Sudan, Riek Machar Teny, visited the region from 4 to 9 November with a view to reaching agreement with the parties and other key stakeholders on a deadline for the signing of the final peace agreement. The Government of Uganda and LRA agreed that Joseph Kony would sign the final peace agreement on 29 November 2008 in Ri-Kwangba, southern Sudan. President Kabila and the First Vice-President of the Sudan, Salva Kiir Mayardit, were encouraged by the direct contact in Uganda between the leader of the LRA delegation and high-level officials of the Government of Uganda, and agreed to give Mr. Kony one last chance to sign the agreement.

Security of United Nations personnel and facilities

30. The resurgence of violence in the eastern part of the Democratic Republic of the Congo led to increased threats to United Nations staff throughout the country. United Nations and humanitarian staff had to be extracted from Rutshuru, Bunia and Dungu, and 15 United Nations vehicles were damaged during demonstrations in Goma, Bukavu and Bunia. A wide range of measures were taken by the United Nations to mitigate the risk to staff, including the issuance of security advisories; restrictions on staff movement, including travel to Goma, Bukavu and Dungu; improvements to the physical security of United Nations installations; increased patrolling by MONUC military and police; and the enforcement of a curfew in Goma.

Human rights, sexual violence, child protection and the rule of law

31. Despite some improvement in cooperation between MONUC and national authorities on human rights issues, the human rights situation in the Democratic Republic of the Congo remained a cause for grave concern. FARDC and national police elements were responsible for a large number of serious human rights violations during the reporting period, including arbitrary executions, rape, torture and other cruel, inhuman or degrading treatment. Congolese and foreign armed groups, in particular CNDP, PARECO, Mayi-Mayi Mongol, FDLR and LRA, also perpetrated serious human rights abuses with impunity, including mass killings, torture, abductions, the forced recruitment of children, forced displacement, the destruction of camps for internally displaced persons, forced labour and sexual slavery and other forms of sexual violence. Members of the national intelligence services, both civil and military, were implicated in politically motivated human rights violations, mainly arbitrary arrests and detention followed by torture and extortion. The national security forces, as well as political and administrative officials, targeted journalists and human rights defenders, who were subjected to threats, arbitrary arrest, detention and other forms of ill-treatment.

32. MONUC continued to provide human rights training to members of the security services as well as parliamentarians, journalists and civil society organizations. Through a project funded by the European Commission, MONUC established a national network of non-governmental human rights organizations

specializing in the protection of victims and witnesses and provided them with capacity-building training.

33. Child recruitment by armed groups increased during the reporting period. Mayi-Mayi groups accounted for the highest number of children recruited, followed by CNDP and FDLR. In North Kivu, accounts provided by children escaping the fighting between FARDC and CNDP indicate that they are used by CNDP on the front line.

34. According to the United Nations Population Fund, 6,693 new cases of sexual violence were recorded in the Democratic Republic of the Congo in the first half of 2008. In all, 65.5 per cent of the alleged perpetrators were civilians, while 32.7 percent were uniformed men. The majority of rapes committed by men in uniform (2,145 of the 3,209) occurred in North and South Kivu and in Ituri. 66 per cent of the victims were minors, a 10 per cent increase compared with 2007. Victims aged between 10 and 17 years constituted 55 per cent; while 10 per cent were under 10 years of age.

35. MONUC has taken steps to support efforts to combat sexual violence. Intervention, including in the areas of capacity-building, justice support and medical and psycho-social support and protection, was focused on North and South Kivu. It included the establishment of legal aid clinics for victims of sexual violence in five provinces, with assistance from the Governments of Belgium and Canada. The Ministry of Justice also adopted a road map, developed with the support of MONUC and United Nations partners, which, inter alia, establishes a standard medical certificate for victims of sexual violence.

36. MONUC also focused on improving the collection of data on sexual violence and developing a comprehensive strategy to combat such violence in consultation with United Nations agencies, international non-governmental organizations and the Government of the Democratic Republic of the Congo. The aim is to complete, adopt and begin implementing the strategy by the end of 2008. In the meantime, an initial mapping exercise has provided an inventory of existing and planned activities by international actors in the area of sexual violence, highlighting gaps in coordination among various sectors, which will be addressed as part of the comprehensive strategy.

37. MONUC also continued to sensitize national political actors and women's groups with the aim of promoting the inclusion of women in decision-making positions. Results included the appointment by the Governor of South Kivu of eight women to his Cabinet and secretariat in September; and the inclusion of seven women in the provincial structure of the Amani programme for South Kivu.

38. During the reporting period, MONUC assisted the permanent secretariat of the High Judicial Council in the creation of a national database of magistrates, based on the findings of a joint mission conducted earlier in the year. In addition, MONUC supported national officials in developing a model Tribunal de Paix that will be used for the development of judicial infrastructure. MONUC is also assisting the permanent secretariat in developing training curricula for all categories of judicial sector personnel.

39. The situation in prisons throughout the Democratic Republic of the Congo remained alarming, with prison overpopulation as high as 600 per cent of capacity. During July and August, more than 25 prisoners died of starvation. Only one prison

in the country benefits from funds budgeted for feeding detainees, and those funds amount to less than $0.01 per inmate per day. MONUC is working with partners to assist the authorities in finding sustainable solutions for the provision of food to detainees. Nevertheless, the absence of State budgeted funds is a serious concern. A new strategic plan has been jointly agreed between MONUC and the Ministry of Justice with a focus on prison reform and training.

Humanitarian situation

40. The overall humanitarian situation remained fragile during the reporting period, with vital health, nutrition and food security indicators still at emergency thresholds in many parts of the country. In the eastern part of the country, the resumption of fighting at the end of August resulted in a significant deterioration in the humanitarian situation. An estimated 250,000 people were displaced as a result of the fighting, the majority of whom sought refuge at camps, rather than with host families. Most of those forced to move had already fled fighting multiple times. Early in November, the humanitarian community estimated that nearly 70 per cent of the population of North Kivu was either displaced or hosting internally displaced persons.

41. In addition, the resumption of fighting in Ituri and the actions of LRA in Haut Uélé led to further large-scale displacements of the population in Orientale province. Initial estimates suggest that 22,000 fled their homes owing to fighting in Ituri, although local humanitarian organizations have indicated that the total number of displaced people could be much higher. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates that 1.35 million people are currently displaced in North and South Kivu and Ituri. Further north, LRA attacks on villages north of Dungu resulted in the displacement of approximately 26,000 people.

42. Since the beginning of 2008, 67 security incidents against United Nations and non-governmental humanitarian organizations have been reported in North Kivu, the majority of them perpetrated by armed elements and men in uniform. Those incidents included carjacking, illegal taxation, theft at gunpoint and confiscation of vehicles and relief items, all of which constitute violations of international humanitarian law. Systematic advocacy vis-à-vis Government authorities, the army and representatives of rebel groups by OCHA, United Nations agencies and MONUC had not led to a concrete improvement in humanitarian access or working conditions for humanitarian organizations at the time of reporting.

43. The 2008 Humanitarian Action Plan for the Democratic Republic of the Congo, for which $736 million is required, has received $502 million, or 68 per cent, of the total funding requested. Approximately 80 per cent of the funds available have been allocated to emergency programmes in the eastern part of the country. An additional $81.4 million is urgently needed to respond to the crisis in North Kivu. At the time of reporting, humanitarian organizations were finalizing the preparation of the 2009 Humanitarian Action Plan, which will include province-specific early-recovery strategies.

III. MONUC mandate

44. The deficiencies of FARDC and the challenges encountered by an overstretched MONUC in efforts to address the renewed hostilities in the Kivus have opened a debate among many stakeholders about the Mission's mandate under Chapter VII of the Charter of the United Nations. During their discussions with the Under-Secretary-General for Peacekeeping Operations, Government officials called for the revision of the MONUC mandate to allow the Mission to conduct operations against illegal armed groups independently of FARDC. In addition, some Member States have questioned whether the Mission's mandate is sufficiently clear and robust to enable it to address the complex situation on the ground.

45. The Mission's Chapter VII mandate is spelled out in the relevant resolutions of the Security Council, in particular resolution 1756 (2007), by which the Council authorized MONUC to support operations led by FARDC in the eastern part of the Democratic Republic of the Congo to disarm recalcitrant local and foreign armed groups and prevent the provision of support to those groups, including support derived from illicit economic activities. In paragraph 3 of resolution 1804 (2008), the Council reaffirmed those aspects of the Mission's mandate.

46. At the same time, by its resolution 1756 (2007), the Security Council authorized MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to protect civilians and humanitarian workers under imminent threat of physical violence; to contribute to the improvement of the security conditions in which humanitarian assistance is provided; to protect United Nations personnel, facilities, installations and equipment; to ensure security and freedom of movement of United Nations and associated personnel; and to deter any attempt at the use of force to threaten the political process from any armed group, foreign or Congolese.

47. In my previous reports, I have provided updates on the actions taken by MONUC in implementing its Chapter VII mandate. During the current crisis, in order to protect civilians under imminent threat of physical violence, MONUC has, within its overstretched means, strengthened its presence in North Kivu and, to date, has prevented the fall of major population centres, including Goma, to CNDP. MONUC took offensive action against CNDP at the outset of the fighting to compel it to return to positions held on 28 August, giving clear warning that it would use all necessary means should CNDP threaten major population centres. The Mission also negotiated a series of disengagements at the local level. Given that there are 10 MONUC peacekeepers for every 10,000 civilians in North Kivu, MONUC has provided protection to tens of thousands of civilians through regular patrols and to those who have sought shelter around its mobile and company operating bases across North Kivu.

48. MONUC has continued to provide protection to humanitarian workers and escorted humanitarian convoys. Mission support has enabled humanitarian workers to deliver food and non-food assistance to some 135,000 people in the eastern part of the country since the resumption of fighting, and humanitarian operations are continuing. On 18 November, MONUC, in collaboration with United Nations partners, began work on clearing an area west of Goma for the relocation of approximately 50,000 internally displaced persons, away from the front lines in Kibati.

49. As noted in the present report, MONUC provided support to FARDC military operations against CNDP and groups in Ituri and Haut Uélé. With regard to foreign armed groups, as indicated in paragraph 23 above, MONUC assisted FARDC in developing a plan for military operations against FDLR and trained 10 FARDC battalions for those operations. However, the implementation of the plan within the framework of the Nairobi communiqué was disrupted by the crisis in North Kivu.

50. Prior to the resumption of large-scale hostilities, activities in support of the implementation of the Goma and Nairobi processes were conducted during the reporting period within the framework of the United Nations security, stabilization and support strategy for the eastern part of the Democratic Republic of the Congo, which has four main components, dealing with (a) political and diplomatic aspects; (b) security and military aspects; (c) the extension and consolidation of State authority; and (d) returns and recovery. The resumption of fighting in the Kivus and Ituri had a negative effect on the implementation of the strategy, in some instances leading to the temporary suspension of operations. Despite major setbacks, some progress has been achieved and more than $60 million has been mobilized in support of its implementation.

51. In that connection, MONUC co-chaired and supported the work of the Mixed Technical Commission on Peace and Security before it was suspended. It supported and participated in the activities of the joint monitoring group established pursuant to the Nairobi communiqué. Prior to the resumption of hostilities, extensive political activities were undertaken to seek the agreement of the parties for disengagement, *brassage* and demobilization. Various political initiatives were also launched to ensure the return of parties to the Goma process.

52. The MONUC police presence in the eastern part of the Democratic Republic of the Congo was reinforced, and a MONUC regional police coordinator was deployed to Goma during the reporting period. The Mission also worked with national and provincial counterparts in the vetting, selection and deployment of Congolese National Police officers to be deployed to the eastern part of the country in the context of efforts to extend State authority. In this regard, some 500 out of a total of 2,600 additional national police officers will begin deployment during November. In addition, two MONUC formed police unit platoons have been relocated from Lubumbashi to Goma and have started joint patrols with the national police inside the city.

53. The Mission's efforts to improve FARDC capacity have also continued. To date, 12 FARDC battalions have completed basic training provided by MONUC, which had expected to provide basic training for 20 battalions by the end of 2009. However, the resumption of fighting in the Kivus has delayed the start of training, which may have an impact on the expected completion date. The construction of facilities for the integrated brigades in Ituri, North Kivu and South Kivu is ongoing as part of the broader security sector reform process.

54. Although rehabilitation began on a number of roads in North Kivu, the resumption of hostilities halted further progress. The labour-intensive approach taken had created an estimated 1,300 jobs, which had been expected to rise to more than 4,000 by the end of 2008. Preparations were also under way to begin the construction of police stations, courts, prisons and administrative buildings and to furnish them with basic equipment and supplies. Discussions were also at an

advanced stage with respect to the support to be provided through the strategy for the deployment of local administrative personnel.

55. With regard to the reintegration and community recovery component, MONUC supported the efforts of the Office of the United Nations High Commissioner for Refugees, the Government and neighbouring countries to facilitate the return of refugees from Rwanda, Uganda and Burundi. In addition, funding has been secured to begin recovery activities, starting at the end of the year, for the general population along priority axes in South Kivu.

IV. MONUC deployment and reconfiguration

56. As at 18 November, the military strength of MONUC stood at 17,354, comprising 16,667 troops and 687 military observers and staff officers, against an authorized strength of 17,790. Of the Mission's 17 battalions, 15 are deployed in the eastern part of the country in four brigades (Ituri, South Kivu, North Kivu and Katanga). The remaining two battalions are deployed in Kinshasa in the Western Brigade. Six aviation units, five engineer companies, one special forces company, two riverine units and other support units provide enabling capacity to the force.

57. Military tasks emanating from the Nairobi and Goma processes, as well as the resumption of major hostilities in the Kivus, have stretched MONUC capacity beyond the limit. The Mission is engaged in intensive operations on four fronts: North and South Kivu, Ituri and Haut Uélé. MONUC is operating in a highly volatile conflict environment in which several illegal armed groups with various agendas and militias that engage in guerrilla warfare are operating with no regard for the civilian population. The extremely limited capacity of FARDC and the inability of many of its units to operate in a cohesive manner have also added to the burden on MONUC in providing security in those areas. As a result of being overstretched, MONUC currently has no force reserve. Consequently, it remains severely hampered in its capacity to respond to emerging security crises in an effective and timely manner.

58. In order to address those capacity constraints, MONUC initiated the process of reconfiguring its force deployment to make the best use of existing capabilities. The process has been ongoing for the past 12 months, with the redeployment of units from other sectors to reinforce those in the Kivus, where, as a result, MONUC has now deployed more than 62 per cent of its force. In North Kivu, the number of MONUC troops has doubled, from three to six battalions, in the past 12 months. More than 5,800 soldiers, or almost 38 per cent of the Mission's overall military strength, are deployed in that province.

59. With the resumption of major hostilities, the reconfiguration process was accelerated and shifted to focus on reinforcing the Mission's military presence in Goma and the surrounding areas. As a result, since 25 October, MONUC has redeployed approximately 500 troops from other sectors of operation to Goma and its environs to respond to the crisis. In addition, an Indian battalion (approximately 800 troops) is in the process of moving from Beni and Butembo to the Goma area in response to the crisis; the Nepalese battalion from the Ituri Brigade will be redeployed in its place. Those efforts are expected to result in the deployment of approximately 3,200 troops in and around Goma to prevent armed groups from taking control of the town and surrounding strategic axes. In addition, MONUC has

deployed two additional attack helicopters, bringing the total number in Goma to four. Four more attack helicopters are also available in South Kivu and Ituri, and can be repositioned in Goma within an hour.

60. With its reconfigured posture and anticipated additional capabilities, MONUC will take every step possible to ensure that no illegal armed groups gain control of Goma. The Mission intends to designate strategic areas which can be protected with all necessary force, within the mandate. Goma will be protected by establishing a strong outer perimeter, and MONUC and the Congolese National Police will enhance internal security in the city through robust patrolling that will be reinforced by a curfew that will remain in place as long as the volatile security situation continues. MONUC will also strive to ensure that key axes leading in and out of Goma are kept open to MONUC and freedom of movement for humanitarian actors and assistance is maintained. In addition, MONUC will protect selected strategic locations, as well as vital Government institutions and officials.

61. In keeping with its mandate, MONUC will draw and enforce, by all means necessary, specific red lines in order to prevent the encroachment of illegal armed groups on vital axes and major population centres in North Kivu, including Sake, Masisi and Kanyabayonga. It will take robust action to protect civilians in imminent threat of danger and prevent attacks on United Nations facilities and personnel as well as humanitarian workers. As the fighting forces withdraw from the front lines, MONUC will deploy troops to monitor the zones of separation, in keeping with the disengagement plan developed by the Mission.

62. With the additional capabilities proposed, the MONUC strategy will also focus on conducting operations from designated zones in the Kivus to compel FDLR to accept disarmament, demobilization, reintegration and resettlement or repatriation. Those efforts will focus on isolating FDLR from its economic interests and building FARDC readiness and capacity to sustain operations against FDLR as well as other armed groups. The additional special forces, training teams and intelligence and air assets would enhance the Mission's capacity in this regard. The additional infantry battalions would serve as a reserve, which is critical to the provision of greater flexibility to deploy as needed to strengthen efforts to protect civilians and provide additional security.

Additional capabilities

63. In an oral briefing to the Security Council on 3 October, my Special Representative outlined the additional capabilities that MONUC requires in order to respond to the emerging multiple demands to effectively implement its mandate. At the request of the Security Council, the Department of Peacekeeping Operations provided two military briefings to the Council at the expert level on those additional requirements. In a presidential statement of 29 October (S/PRST/2008/40), the Council expressed its intention to study expeditiously that request in view of the escalation in fighting in the Kivus. As outlined in my letter to the President of the Council dated 31 October (S/2008/703), the following additional capacities, which would increase the Mission's authorized military strength by 2,785 and its formed police unit strength by 300, were requested:

(a) Two infantry battalions (850 each), initially deployed to stabilize the situation in North Kivu;

(b) Two special forces companies (150 each) to enable the Mission to respond to crises as they arise;

(c) Additional air assets to enhance the operational mobility of MONUC, namely, 18 utility helicopters (260 personnel, including crew and ground staff) and 2 C-130 Hercules aircraft (50 personnel each, including crew and ground staff);

(d) Additional information analysis capability (50 personnel) for advanced information collation, analysis and dissemination to enhance situational awareness and to enable timely decision-making;

(e) One engineer company (175 personnel) to support the above-mentioned surge requirements and to execute horizontal engineering work to improve the ground mobility of MONUC forces;

(f) A total of 200 military training instructors/advisers, to support and enhance the Mission's ongoing FARDC training programmes;

(g) Two additional formed police units (150 each) to relieve MONUC military units which are currently diverted to static and force protection tasks.

64. These additional capacities are intended to strengthen MONUC to achieve targeted objectives in line with its mandate, and in particular, give MONUC the force reserve and quick-response capability that is lacking and that would have enabled it to effectively respond to the current crisis; ensure that it has adequate mobility to enable it to move troops to any crisis point in a timely manner; give it the capability to carry out essential engineering work in sensitive areas where civilian engineering contractors cannot operate; and ensure that it has the necessary surveillance capabilities in terms of both equipment and personnel.

Support for the armed forces

65. The Security Council has mandated MONUC to support the activities of FARDC, which has the primary responsibility for the territorial integrity and security of the Democratic Republic of the Congo. FARDC continues to face serious capacity, command and control and discipline constraints, and urgent steps will be required to substantially enhance its capacity as the main exit strategy for MONUC. In the meantime, joint operations against armed groups in Ituri, against the FDLR and in the context of containment operations against LRA will also need to continue. They have had an impact, and some FARDC units trained and mentored by MONUC have had some limited success in the field. Those training and joint operational activities have required considerable support from MONUC and would be enhanced as a crucial condition for the success of operations. This cannot be an open-ended commitment or a substitute for comprehensive military training as a fundamental part of security sector reform. However, assistance from MONUC is indispensable and should be considered an investment in preparing FARDC to take over the Mission's residual responsibilities.

66. The challenges faced by FARDC during the ongoing crisis in North Kivu have further highlighted the need for the Government and its bilateral partners to engage on an urgent basis in a major undertaking to build a credible, well-trained, well-equipped and sustained national army. Currently, there are no coherent security sector reform plans to achieve that end. It is crucial that Member States come forward to provide assistance to the Government in that regard.

Disarmament, demobilization and reintegration

67. Closely linked to the mandated security sector reform activities will be the technical assistance the Mission would provide to the national programme for disarmament, demobilization and reintegration. The national programme received additional funding of $72 million from the International Development Association and the African Development Bank. The national programme has continued to work with key partners to plan disarmament, demobilization and reintegration for 131,400 combatants, including 31,200 in the Kivus. Progress towards the implementation of the programme will have an impact on, and be affected by, the pace of FARDC integration and the consolidation of the integrated brigades. In this context, the Mission's continuing objective will be to promote and optimize coordination between partners and the national authorities with a view to mobilizing the political will and resources needed to complete urgent disarmament, demobilization and reintegration and army integration tasks.

68. Many challenges remain with regard to disarmament, demobilization and reintegration. The majority of the new target groups are located in the eastern part of the Democratic Republic of the Congo, where the current security situation is not conducive to the implementation of the process. There are many outstanding questions regarding modalities of military integration and disarmament, demobilization and reintegration, including the linkage between the regroupment process as envisaged in the Amani programme and the *brassage*/disarmament process. Furthermore, as many elements within the target groups are expected to be ineligible for disarmament, demobilization and reintegration because of the strict "one-person-one-weapon" criterion, there is an urgent need to develop alternative assistance packages for those individuals. Coordination of these various efforts will therefore be extremely important.

V. Institutional and governance developments

69. Beyond the eastern part of the Democratic Republic of the Congo, efforts continued, with support from MONUC and other partners, with respect to the consolidation of peace and the reinforcement of the nascent democracy, addressing governance concerns, establishing the rule of law and reconstruction and development. During its extraordinary session, held from 16 June to 15 July, the National Assembly adopted the organic law on the High Council of the Judiciary, as well as laws related to decentralization. Additional legislation required for the completion of the decentralization process, including on provincial boundaries, administrative subdivisions and taxation were not adopted. In accordance with the statement of commitment, a draft amnesty law for North and South Kivu was adopted by the National Assembly on 12 July. The Senate, however, suspended its review of the draft amnesty law following the resumption of fighting in North Kivu. On 15 July, the Senate adopted a draft law on the protection of children, which provides severe penalties for acts of sexual violence and physical abuse, as well as for the recruitment of children by armed forces and groups. The draft must now be adopted by the National Assembly before it can be promulgated. Sustained advocacy by MONUC led to the adoption by the Senate of a draft law creating a national human rights commission.

70. Key legislation on the agenda of the Parliament at its current session, which began on 15 September, includes the 2009 budget, as well as pending laws on decentralization, judicial architecture, elections and the amnesty. In the meantime, the Parliament continued to strengthen its oversight role relating to the activities of the executive branch through investigative commissions and the questioning of ministers.

71. On 25 September, the Prime Minister, Antoine Gizenga, tendered his resignation to President Kabila, citing his advanced age. He resigned amid strong public criticism of the performance of the Government, which is widely perceived to have failed in addressing the socio-economic challenges and security situation in the eastern part of the country.

72. President Kabila appointed the Minister of the Budget, Adolphe Muzito, as Prime Minister on 10 October, in conformity with the terms of an agreement between his coalition, the Alliance pour la majorité présidentielle (AMP), and the Parti lumumbiste unifié (PALU) to appoint a Prime Minister from PALU. The new Cabinet, announced on 26 October, has 53 members, including 4 women, and reflects in part the country's geographical and provincial balance. The President's party, the Parti du peuple pour la reconstruction et la démocratie (PPRD), which is part of AMP, retains two of the three vice-prime ministerial seats and approximately one third of the ministries.

Local elections

73. On 15 July, the Elections Steering Committee, composed of the Independent Electoral Commission, the Ministries of the Interior, the Budget, Finance and Planning, MONUC, the United Nations Development Programme (UNDP) and major donors, endorsed the recommendations of the President of the Commission to update the voter register and hold the local elections before the end of June 2009. That decision followed wide consultations and had the explicit support of the Government. On 5 August, the Independent Electoral Commission adopted the procedures for updating the voter register and issued a press release formally launching the electoral process. The field work needed for the voter registration update, which will take two months, is currently expected to start early in 2009. In the meantime, MONUC and UNDP continue to provide technical and operational support to the Commission, including capacity-building in the areas of operational planning and strategy.

74. In a letter to the Independent Electoral Commission, the former Prime Minister indicated that the Government will contribute $62 million in support of the local elections, including for the $24 million annual running costs of the Commission, as well as the voter registration update and other operational activities, estimated to cost $40 million and $120 million, respectively. However, the disbursement of the funds pledged by the Government has continued to face challenges. The remaining $122 million required for the electoral process is expected to be covered by international financing. So far, donors have pledged $70 million, of which $48.5 million has been committed.

75. The adoption of the necessary legislative framework by Parliament remains a real challenge, however. It includes the organic law on the division of territorial entities, which defines electoral constituencies and is a requirement for the launch of the voter registration update and the distribution of seats per constituency. The

law was approved by the Senate in October, and awaits adoption by the National Assembly. Its timely approval will be a major milestone with a view to the holding of the local elections by mid-2009.

Recovery and peace-consolidation efforts

76. The economy of the Democratic Republic of the Congo remained vulnerable to the food, energy and financial crises, as well as to the outbreak of conflict in the east. Limited progress was achieved on fiscal decentralization and the reform of key sectors, including infrastructure, mining, oil and forestry. At the same time, the economic growth rate was projected at 10.8 per cent for 2008 and the inflation rate, while still a major concern, decreased from 34 per cent to 28 per cent during the reporting period. An International Monetary Fund mission that visited Kinshasa in September concluded that the Government had made considerable progress in implementing reforms to reach the completion point under the Heavily Indebted Poor Countries Initiative. In the meantime, the Government is operating on a cash-only basis, with a limited budget.

77. Some progress was made on accelerating implementation of President Kabila's five priority areas ("cinq chantiers"), the Priority Action Programme and the governance contract. On 5 August, the Government and international donor partners agreed on an action plan outlining priority steps to be taken by the end of the year to show demonstrable progress in the Priority Action Programme and five priority areas. In the meantime, MONUC continues to support the provincial development committees, which bring together local authorities, civil society actors, United Nations partners, international non-governmental organizations and the private sector. Four committees out of 11 are in place in Bandundu, Maniema, Orientale and Katanga provinces and four others are being set up. In August 2008, MONUC, the Ministry of Planning and international donors facilitated 11 civil society workshops in all of the provinces to promote aid effectiveness, development policies and transparent collaboration between the Government and civil society. Information and sensitization campaigns are also being planned in collaboration with UNDP, Belgium and the United States Agency for International Development on the decentralization process.

VI. Financial aspects

78. The General Assembly, by its resolution 62/256, appropriated the amount of $1,187,676,400 for the maintenance of MONUC for the period from 1 July 2008 to 30 June 2009. Information on financial implications for the 12-month period arising from my recommendations will be provided to the Council shortly in an addendum to the present report. As at 31 August 2008, unpaid assessed contributions to the Special Account for MONUC amounted to $606.8 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $3,873.7 million. As at 31 October 2008, the amount owed to troop- and formed-police contributors totalled $21.6 million. Reimbursement of troop/formed police and contingent-owned equipment costs have been made for the period up to August 2008 and December 2007, respectively.

VII. Observations

79. The crisis in North Kivu has entered a critical phase. The humanitarian toll on the civilian population has been immense. I am deeply concerned that if the crisis is allowed to fester, it will deepen ethnic conflicts in the eastern part of the Democratic Republic of the Congo. The forced displacement of populations and evidence of the targeted killing of civilians are alarming. In the current climate, the possibility of massacres of civilians cannot be ruled out. Recent developments have also underlined the risk of the conflict spilling over into the wider region, with wide-ranging consequences.

80. I welcome the intensified political efforts made to resolve the crisis in recent weeks, including at the bilateral level between the Democratic Republic of the Congo and Rwanda. The concrete proposals for confidence-building measures and cooperation between the two countries should be urgently developed and supported by their international partners. I urge Presidents Kabila and Kagame to spare no effort towards implementing those measures and normalizing relations between their countries. I also welcome the important role of regional and international actors in that regard, and appeal to them to remain engaged in the efforts to find a lasting solution to the crisis in the eastern part of the Democratic Republic of the Congo.

81. The immediate priority should be to end the current fighting initiated by CNDP. I appeal to all neighbouring countries that are in a position to do so to use their moral authority to persuade Laurent Nkunda to fully respect a complete ceasefire, to return to the implementation of the statements of commitment and to cease all military action, which has heretofore exacerbated the very critical humanitarian crisis in North Kivu.

82. Recent events have demonstrated that the lack of capacity of FARDC is a major impediment to peace in the region and to the fulfilment by MONUC of its mandate. The Government of the Democratic Republic of the Congo must take urgent action to establish clear chains of command and discipline within FARDC, while ensuring close cooperation and coordination with MONUC. Priority should also be given by the Government to visible and effective action by the armed forces against FDLR, in accordance with the Nairobi communiqué. MONUC will continue to support the FARDC operations against FDLR, in keeping with its mandate. In this regard, the Government of the Democratic Republic of the Congo is in urgent need of substantial and sustained bilateral assistance to help build a credible and coherent national army capable of guaranteeing the country's territorial integrity and national security as part of a security sector reform plan that adheres to international standards. Such assistance needs to be coordinated among all partners, including MONUC. Efforts to create lasting security and stability in the eastern part of the Democratic Republic of the Congo will not succeed without the development of such a plan. I urge the Government to work closely with its international partners to bring about accelerated and coordinated international action in that regard.

83. There is no military solution to the situation in the eastern part of the Democratic Republic of the Congo. It is therefore imperative that all armed groups return to the implementation of existing political agreements and that all stakeholders work together to address the root causes of conflict in that troubled region. I have asked my Special Envoy to assist all parties in pursuing that goal along with regional leaders and international partners, within the framework of the

regional mechanism established by the Nairobi regional summit. I am encouraged by the positive outcome of his first mission to the region, which has laid the ground for further intensive efforts to put in place an effective ceasefire and reinvigorate a comprehensive political process. I call on all actors to extend to my Special Envoy their full cooperation.

84. Despite the resource limitations of MONUC, it is acknowledged by all that the situation in the eastern part of the Democratic Republic of the Congo would have been far worse without the presence of the Mission and its active role in the protection of tens of thousands of civilians, the facilitation of humanitarian assistance and the prevention of major human rights abuses. The cooperation of the Congolese authorities and people is essential if MONUC is to carry out its mandate for the benefit of the populations affected by the current crisis. I therefore appeal to them to reject all attempts to incite hostility or mobilize populations against MONUC and humanitarian personnel.

85. I recommend that the Security Council extend the mandate of MONUC for an additional 12 months, until 31 December 2009. With the additional resources and its reconfigured posture, MONUC will continue to focus on the priority task of protecting the civilian population in the eastern part of the country, where the authority of the State remains minimal. Working in close coordination with my Special Envoy, MONUC will also support efforts aimed at addressing the root causes of the conflict. In addition, the Mission will continue to provide comprehensive and coherent support to the Goma and Nairobi processes. Those processes, which represent important political commitments by the parties, provide the essential political framework to address the problem posed by CNDP and FDLR.

86. MONUC will press for the simultaneous implementation of the commitments made under both the Goma and the Nairobi processes and will strive, using the means at its disposal, to ensure that all actors act in good faith, including with regard to the implementation of the disengagement plan presented to the parties.

87. MONUC will continue to support the voluntary repatriation of FDLR under the Nairobi process, while at the same time supporting FARDC operations against FDLR. Should the efforts aimed at voluntary disarmament, demobilization, reintegration and resettlement or repatriation not yield further results, the use of force by MONUC may be necessary to compel recalcitrant foreign armed groups on Congolese soil to comply with the Nairobi commitments, in keeping with the Mission's mandate.

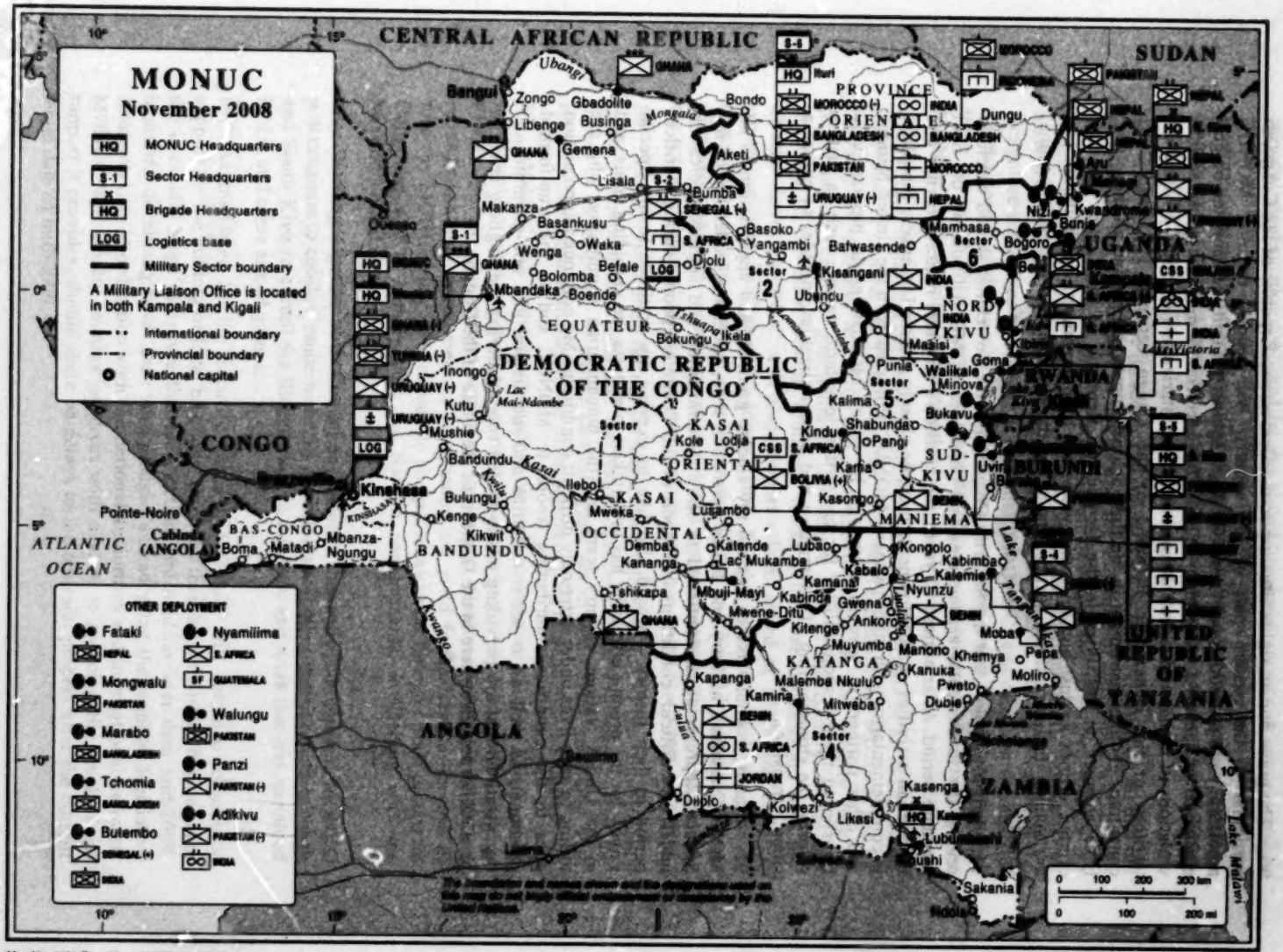
88. Working together with Congolese customs and police authorities, MONUC will continue to conduct random checks at airfields and other transit points in North and South Kivu to curtail the illegal trade in minerals and arms that has sustained FDLR and other armed groups.

89. As mandated by the Security Council, MONUC will continue to provide support for the holding of local elections, provided that the national authorities take the necessary steps to ensure that the elections are held no later than mid-2009, including disbursing funds they have pledged and adopting the required legislative framework. In coordination with the national authorities and international partners, MONUC will closely monitor progress with a view to reducing the level of the support it provides, should there be delays to the electoral process after the current target date of mid-2009.

90. The grave human rights situation in the Democratic Republic of the Congo, in particular in the eastern part of the country, will require ongoing MONUC monitoring and promotion activities. The fight against impunity remains the biggest challenge in the area of human rights. The exercise to map the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between 1993 and 2003 constitutes another instrument in the fight against impunity. I remind all those who have engaged in hostilities in the Democratic Republic of the Congo that war crimes, crimes against humanity and violations of international humanitarian law are subject to international justice, including through the International Criminal Court.

91. I firmly believe that the Security Council and the Secretariat should carefully review the fundamental assumptions and objectives of MONUC during the next mandate period. After almost 10 years, the Mission's structure requires review and its civilian activities and deployments must be closely assessed to ensure that there is complementarity with other partners. MONUC will work with the United Nations and other partners to develop a strategy by which MONUC could progressively transfer to them responsibilities for tasks of a long-term nature, such as justice reform, the strengthening of governance and decentralization, in order to ensure a smooth transition.

92. Finally, I would like to express my sincere gratitude and appreciation to all MONUC civilian, military and police personnel, who, under the leadership of my Special Representative, continued to show determination and selfless dedication under very difficult conditions in support of the Congolese people during a critical period in their history. I would also like to express my gratitude to my Special Envoy for the prompt efforts he has undertaken to address the unfolding crisis, and to the United Nations country team and the humanitarian community, who are toiling to save lives under extremely difficult conditions. My continued appreciation goes to the countries contributing troops to MONUC and to their uniformed personnel, as well as to donor countries and multilateral and non-governmental organizations that are providing much-needed support during the ongoing crisis in North Kivu and elsewhere in the Democratic Republic of the Congo.



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